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REMARKS

This paper is responsive to final Office action dated November 19, 2003. Claims 1-6, 8-23, and 26-30 were examined. Claims 1-6, 8-23, and 26-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,370,148 to Calvignac et al.

Regarding claim 1, Applicants respectfully maintain that Calvignac, alone or in combination with other references of record, fails to teach or suggest

> determining respective request priorities
> corresponding to respective requests for respective
> resources made by respective requesters, each request
> priority being determined according to at least a
> resource priority, resource priority being inversely
> related to a number of requests made for a particular
> resource,

as recited by claim 1. The Office Action admits, with reference to claims 1, 13, 15, 16, 17, 19, 23, and 27, that Calvignac fails to teach "assigning priority to each requested resource according to resource priority." Although the Office Action says it would be obvious to do so, there is no reference of record teaching or suggesting that approach.

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of the ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations.

See MPEP § 2143. Merely stating that Calvignac can be modified to operate similarly to the claimed invention, without providing a prior art reference (or references when combined) that teaches or suggests the claimed invention, is not sufficient to establish *prima facie* obviousness. *See* MPEP §2143.01. Accordingly, claim 1 is patentable over the art of record.

Regarding claim 13, Applicants respectfully maintain that Calvignac, alone or in combination with other references of record, fails to teach or suggest

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allocating respective resources to respective
requesters according to priorities determined by at
least a number of requests directed to each of the
resources.
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The Office Action admits, with reference to claims 1, 13, 15, 16, 17, 19, 23, and 27, that Calvignac fails to teach "assigning priority to each requested resource according to resource priority." Although the Office Action says it would be obvious to do so, there is no reference of record teaching or suggesting that approach. Merely stating that Calvignac can be modified to operate similarly to the claimed invention, without providing a prior art reference (or references when combined) that teaches or suggests the claimed invention, is not sufficient to establish *prima facie* obviousness. *See* MPEP §2143.01. Accordingly, claim 13 is patentable over the art of record.

Regarding claim 15, Applicants respectfully maintain that Calvignac, alone or in combination with other references of record, fails to teach or suggest

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means for allocating requests according to at least
resource priority.
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The Office Action admits, with reference to claims 1, 13, 15, 16, 17, 19, 23, and 27, that Calvignac fails to teach "assigning priority to each requested resource according to resource priority." Although the Office Action says it would be obvious to do so, there is no reference of record teaching or suggesting that approach. Merely stating that Calvignac can be modified to operate similarly to the claimed invention, without providing a prior art reference (or references when combined) that teaches or suggests the claimed invention, is not sufficient to establish *prima facie* obviousness. *See* MPEP §2143.01. Accordingly, claim 15 is patentable over the art of record.

Regarding claim 19, Applicants respectfully maintain that Calvignac, alone or in combination with other references of record, fails to teach or suggest

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an arbiter coupled to receive a plurality of requests
from the requesters, each of the requests requesting
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> at least one of the resources, the arbiter allocating
> resources to requesters according to at least a
> resource priority, the resource priority being
> inversely related to a number of requests directed to
> respective resources.

The Office Action admits, with reference to claims 1, 13, 15, 16, 17, 19, 23, and 27, that Calvignac fails to teach "assigning priority to each requested resource according to resource priority." Although the Office Action says it would be obvious to do so, there is no reference of record teaching or suggesting that approach. Merely stating that Calvignac can be modified to operate similarly to the claimed invention, without providing a prior art reference (or references when combined) that teaches or suggests the claimed invention, is not sufficient to establish *prima facie* obviousness. *See* MPEP §2143.01. Accordingly, claim 19 is patentable over the art of record.

Regarding claim 23, Applicants respectfully maintain that Calvignac, alone or in combination with other references of record, fails to teach or suggest

> allocating resources among the requesters as a
> function of a number of requests made, wherein the
> function of the number of requests utilizes, at least
> in part, how many requests made for each resource.

The Office Action admits, with reference to claims 1, 13, 15, 16, 17, 19, 23, and 27, that Calvignac fails to teach "assigning priority to each requested resource according to resource priority." Although the Office Action says it would be obvious to do so, there is no reference of record teaching or suggesting that approach. Merely stating that Calvignac can be modified to operate similarly to the claimed invention, without providing a prior art reference (or references when combined) that teaches or suggests the claimed invention, is not sufficient to establish *prima facie* obviousness. *See* MPEP §2143.01. Accordingly, claim 23 is patentable over the art of record.

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Regarding claim 27, Applicants respectfully maintain that Calvignac, alone or in combination with other references of record, fails to teach or suggest

    code executable to allocate respective resources to
    respective requesters according to priorities
    determined by at least a number of requests directed
    to each of the resources.

The Office Action admits, with reference to claims 1, 13, 15, 16, 17, 19, 23, and 27, that Calvignac fails to teach "assigning priority to each requested resource according to resource priority." Although the Office Action says it would be obvious to do so, there is no reference of record teaching or suggesting that approach. Merely stating that Calvignac can be modified to operate similarly to the claimed invention, without providing a prior art reference (or references when combined) that teaches or suggests the claimed invention, is not sufficient to establish *prima facie* obviousness. *See* MPEP §2143.01. Accordingly, claim 27 is patentable over the art of record.

In summary, claims 1-6, 8-23, and 26-30 are in the case. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

Respectfully submitted,

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